

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

VIVEK SHAH,

Petitioner,

v.

CIVIL ACTION NO. 5:15-cv-7542  
(Criminal Nos. 5:12-cr-172 & 5:13-cr-127)

UNITED STATES OF AMERICA,

Respondent.

**ORDER**

The Court has reviewed the Plaintiff's *Motion to Vacate Judgment, for Reconsideration, to Alter or Amend an Order, and to Stay an Order* (Document 150). In his motion, the Plaintiff asserts that he did not receive a copy of the Magistrate Judge's October 19, 2016 *Proposed Findings and Recommendations* (PF&R) (Document 144). He moves the Court to vacate its *Memorandum Opinion and Order* (Document 146) adopting the PF&R with no objections, and the accompanying *Judgment Order* (Document 148). The Plaintiff further requests that the Court consider his *Objections to the Proposed Findings and Recommendation* (Document 159).

After careful consideration, the Court **ORDERS** that the *Motion to Vacate Judgment, for Reconsideration, to Alter or Amend an Order, and to Stay an Order* (Document 150) be **GRANTED** and that the *Memorandum Opinion and Order* (Document 146) and the *Judgment Order* (Document 148) be **VACATED** to allow for the Court's consideration of the Defendant's *Objections to the Proposed Findings and Recommendation* (Document 159).

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: January 3, 2017



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA